

## **REMARKS**

The Office Action dated January 20, 2006 has been fully considered by the Applicant.

Claims 2, 5, 7, 8, 10 and 11 are currently amended. Claims 1, 3-4, 6, and 9 have been canceled. Claims 12 and 13 are new.

A check and a Request for Three Month Extension of Time is enclosed herewith.

The specification is objected to because of informalities. Applicant has herein corrected such informalities by inserting the word "be" into line 2, on Page 6 of the specification.

Claim 7 has been objected to for informalities. Claim 7 has been currently amended to correct the typographical error.

Claims 9 and 10 have been rejected under 35 USC 102(e) as being anticipated by United States Patent No. 6,239,844 to Raiyat. Applicant requests reconsideration of the rejection.

Claim 9 has been currently canceled. Claim 10 is dependent upon currently added new claim 13. Applicant believes that claim 10 is novel over the cited references for the same reasons as stated hereinbelow with reference to new independent claim 13 and, therefore, respectfully requests reconsideration of the rejection.

Claims 1, 2, 4 and 5 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,239,844 to Raiyat. Applicant respectfully requests reconsideration of the rejection.

Claims 1 and 4 have been currently canceled. Claims 2 and 5 have been currently amended to depend upon new independent claim 12, which Applicant believes is novel over the '844 Raiyat patent for the same reasons as stated hereinbelow with reference to new claim 12.

Claims 3 and 6 have been rejected under 35 USC 103(a) as being unpatentable over United

States Patent No. 6,239,844 to Raiyat in view of United States Patent No. 5,926,207 to Vaughan et al. Both of these claims has been canceled.

Claims 7 and 8 have been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,239,844 to Raiyat in view of United States Patent No. 6,115,080 to Reitmeier.

Claim 7 has been currently amended to depend upon new independent claim 12. Claim 8 depends upon dependent claim 7. Applicant believes the claims 7 and 8 are novel over the cited references as stated hereinbelow with reference to new claim 12. Reconsideration of the rejection is requested.

Claim 11 has been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,239,844 to Raiyat in view of United States Patent No. 5,734,444 to Yoshinobu. Claim 11 has been currently amended to depend on new independent claim 13. Therefore Applicant believes that currently amended dependent claim 11 is novel over the cited references as stated hereinbelow with reference to new claim 13. Therefore reconsideration of the rejection is respectfully requested.

New independent claim 12 has been added to make it clear that without user initiation the channel scanning takes place in the background using the second tuner while the user is watching and/or listening to a known channel via the first tuner. The basis for this amendment can be found in Applicant's specification on Page 3, Paragraph 5 and which continues on Page 4, and can be further found on Page 6, Paragraphs 4-5.

In addition, new independent claim 12 includes processing means in the broadcast data receiver that are arranged so that on detection of a new, previously unidentified channel by the second tuner, an audible and/or visual message is displayed to the user via the broadcast data receiver immediately while the user is watching an already known channel. The basis for this feature can be

found in Applicant's specification on Page 6, Paragraph 1, beginning at line 3.

Applicant's invention removes the requirement for a user to manually look for any newly identified channel data. The user of Applicant's disclosure is informed of new channel data during the scanning process. (See page 3, paragraph 4 which continues onto page 5). The visual and/or audio message is displayed to a user when he/she is already watching a known channel and if a new channel is identified during the scanning, a message or symbol is displayed or sounded. (See page 6, paragraph 1). This clearly suggests that the message or symbol is initiated immediately even before scanning has been completed.

Applicant sincerely believes that new independent claim 12 is patentable over the combination of the cited references and, therefore, respectfully requests reconsideration of the rejections.

New independent claim 13 is directed toward a broadcast data receiver including as a part thereof first and second tuners each having several functions, they are: at least one function for receiving incoming data stream at a particular data carrier frequency from a number of bandwidths; at least one function for receiving an additional data stream; and at least one further function for background scanning of data carrier frequency bandwidths for channel service information. Each of the tuners has an "in-use" status and an "idle" status. The broadcast data receiver further includes controlling means for each tuner and a monitoring means for determining the status of each of the tuners. For instance, if the monitoring means determines that the first tuner status is "in-use" and the second tuner status is "idle", then the second tuner can be controlled without requiring user initiation to conduct a background scan of the incoming data carrier frequency bandwidths for service information to determine whether new service information has been identified. The

broadcast data receiver has a memory means for storing the identified service information and has a processing means for comparing instream data tables in the scanned incoming data carrier frequency bandwidths with the identified service information already stored in memory to determine new service information. If new service information has been identified, then the message means within the broadcast data receiver informs the user during the background scanning that a new channel has been identified. Clearly the cited references do not include the combination of features that are disclosed in new claim 13. New claim 13 does not include new matter, each feature can be found in Applicant's specification on Pages 4 through 7.

United States Patent No. 6,239,844 to Raiyat discloses a television receiver that allows background scanning of user favorite teletext pages and storage of these pages in memory so that on selection by a user of the teletext pages, there is no lengthy delay at downloading the pages. The user of the '844 Raiyat patent is still required to manually submit a request to identify newly identified teletext pages. When using the '844 Raiyat patent, there is nothing to inform the user that the teletext pages are in fact new. As such, Raiyat does not disclose identifying new, unidentified channel data during background scanning or of notifying a user of detection of new unidentified channel data without the user having to initiate such a scanning and informing process, as in Applicant's disclosure. Therefore, Applicant sincerely believes that new independent claim 12, along with claims depending therefrom, is novel over the '844 Raiyat patent.

United States Patent No. 6,115,080 to Reitmeier discloses a channel scanning program which allows channels to be identified during a background scanning process and added to a channel list. However, there is no disclosure of a user watching one channel via one tuner and the other tuner

undertaking the scanning process. There is also no disclosure of informing a user about the detection of a previously unidentified channel without the user having to initiate a scanning process or looking at a channel list.

United States Patent No. 5,926,207 to Vaughan discloses a system for monitoring channel behavior and functionality. The '207 Vaughan system allows a user to add or delete channels from a master channel list and then a notification is sent to another user that the channel list has been changed. The Vaughan '207 patent does not disclose when a user is notified of a change or at what point the user is notified, as is disclosed in Applicant's disclosure. Notification in the '207 Vaughan patent is only as a result of another user undertaking a manual operation of changing a channel. There is no background scanning process taking place which has not been initiated by a user, as in Applicant's disclosure. There is also no disclosure of one tuner undertaking the background scanning to identify new, unidentified channels while the other tuner is allowing a user to watch a known channel.

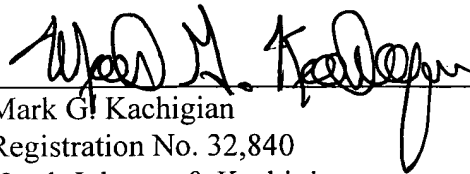
United States Patent No. 5,733,444 to Yoshinobu discloses a receiving apparatus that automatically records frequently watched programs. A database of channel history is formed based on what channel the receiver is tuned into at particular times. The tuner of the '444 Yoshinobu patent is scanned to obtain the channel history information. A message can be displayed to a user to inform him/her of a channel that is normally watched at a particular time. In the '444 Yoshinobu patent there is no disclosure of the tuner itself being used to scan for new, unidentified channels and of another tuner being used to allow a user to watch a known channel. There is also no disclosure of notification to the user of a new unidentified channel being detected, as disclosed in Applicant's invention.

None of the cited references alone or in combination result in the present invention nor provide teaching to make it obvious to a skilled person to arrive at the present invention. Furthermore, none of the prior art documents teach to the problem solved by the present invention of providing a broadcast data receiver having two tuners wherein one of the tuners can without user initiation background scan data carrier frequencies for new channels while a user views a channel generated by the first tuner and providing audio and/or visual notification to the user when a new channel is identified during the background scanning process even while the user is viewing another channel. These features are not taught or suggested in the cited references and, therefore, Applicant sincerely requests reconsideration of the rejections.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any additional fees are required, please charge Deposit Account No. 08-1500.

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